

## Message Text

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ACTION L-02

INFO OCT-01 IO-10 ISO-00 DPW-01 ACDA-05 OES-03 EPA-01

CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00

PM-03 H-02 INR-07 NSC-05 PA-01 PRS-01 SP-02 SS-15

AF-06 ARA-06 EA-06 EUR-12 NEA-09 ( ISO ) W

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O 080912Z APR 75

FM US MISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 1901

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E.O. 11652: N/A

TAGS: ICRC, PARM, PFOR

SUBJECT: ENVIRONMENTAL PROTECTION AT LAWS OF WAR CONFERENCE

1. DESPITE THE RISKS INHERENT IN ANY EFFORT TO DEVELOP PROVISIONS IN PROTOCOL TO GENEVA CONVENTIONS OF 1949 CONCERNING DAMAGE TO THE NATURAL ENVIRONMENT, IT APPEARS THAT THIRD COMMITTEE OF CONFERENCE HAS SUCCEEDED IN DRAFTING TWO PROVISIONS WHICH ARE GENERALLY ACCEPTABLE AND ARE CONSISTENT WITH USG INTERESTS. AS THESE PROVISIONS WILL PROBABLY BE VOTED UPON IN THE COMMITTEE ON THURSDAY, APRIL 10, USDEL WILL NEED PROMPT ADVICE FROM DEPARTMENT IF CHANGES ARE DESIRED.

2. FIRST PROVISION IS SINGLE SENTENCE PARAGRAPH 3 OF ARTICLE 33 ON MEANS AND METHODS OF COMBAT. IT READS AS FOLLOWS: QUOTE IT IS FORBIDDEN TO EMPLOY METHODS OR MEANS OF WARFARE WHICH ARE INTENDED OR MAY BE EXPECTED TO CAUSE WIDESPREAD, LONG-TERM, AND SEVERE DAMAGE TO THE NATURAL ENVIRONMENT. END QUOTE.

3. SECOND PROVISION IS NEW ARTICLE 48 BIS IN SECTION ON PROTECTION OF CIVILIANS. IT READS AS FOLLOWS: QUOTE 1. CARE SHALL BE TAKEN IN WARFARE TO PROTECT THE NATURAL ENVIRONMENT AGAINST WIDESPREAD, LONG-TERM SEVERE DAMAGE. SUCH CARE

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INCLUDES A PROHIBITION ON THE USE OF METHODS OR MEANS OF WARFARE

WHICH ARE INTENDED OR MAY BE EXPECTED TO CAUSE SUCH DAMAGE TO THE NATURAL ENVIRONMENT (TO SUCH A DEGREE AS TO DISTURB THE STABILITY OF THE ECOSYSTEM) AND THEREBY TO PREJUDICE THE (HEALTH OR) SURVIVAL OF THE POPULATION.

(2. ATTACKS AGAINST THE NATURAL ENVIRONMENT BY WAY OF REPRISAL ARE PROHIBITED.) END QUOTE

4. USDEL WILL TRY TO OBTAIN DELETION OF THAT PART OF PARAGRAPH 1 OF 48 BIS WHICH FOLLOWS THE PHRASE QUOTE TO CAUSE SUCH DAMAGE TO THE NATURAL ENVIRONMENT END QUOTE, AS IT IS MERELY CONFUSING SURPLUSAGE. IN SUBSTANCE THIS PROVISION AND ARTICLE 33(3) HAVE THE SAME MEANING, BUT IT WOULD BE DESIRABLE TO HAVE THE LANGUAGE CLOSER TOGETHER. DEPARTMENT WILL NOTE THAT REFERENCE TO HEALTH, ALTHOUGH UNDESIRABLE, IS HARMLESS BECAUSE IT IS NOT OPERATIVE STANDARD, BUT MERELY DESCRIPTIVE OF EFFECTS OF WIDESPREAD, LONG-TERM AND SEVERE DAMAGE. RAPPOREUR'S REPORT WILL STATE THAT THE STANDARD WOULD REQUIRE SUCH EXTENSIVE DAMAGE AS WOULD PREJUDICE THE SURVIVAL OF THE CIVILIAN POPULATION.ABRAMS

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